

Associate w/ WT Docket # 96-86



Federal Communications Commission
Washington, D.C. 20554 DOCKET FILE COPY ORIGINAL

In reply refer to:
2000F/JJA

The Honorable Paul S. Sarbanes
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

RECEIVED

JUL 23 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Senator Sarbanes:

Thank you for your letter on behalf of several local law enforcement and emergency services officials in the State of Maryland regarding the Commission's recent allocation of additional radio spectrum for state and local public safety services. Specifically, your constituents ask three primary questions and present their views on public safety-related issues. You ask that we provide you with a detailed response that addresses their questions and comments. What follows is our response to your inquiry.

Recent Public Safety Spectrum Allocation. Your constituents ask whether the Balanced Budget Act of 1997¹ ensures that at least 24 megahertz of radio spectrum will be allocated for public safety services. The Balanced Budget Act of 1997 established a new Section 337 to the Communications Act,² which directed the Commission to allocate 24 megahertz of spectrum in the 700 MHz band for public safety services.³ The Commission carried out this allocation by its *Report and Order* in ET Docket No. 97-157.⁴ For your convenience and information, a copy of that document is enclosed. Section 337 also directs the Commission to commence assignment of the new licenses by September 30, 1998,⁵ and the Commission is committed to adopting service rules for this spectrum by that date.⁶

¹ See Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997) (1997 Budget Act).

² See Section 337 of the Communications Act of 1934, as amended, 47 U.S.C. § 337 (1997) as added by the 1997 Budget Act, § 3004.

³ See 47 U.S.C. § 337(a)(1).

⁴ See Reallocation of Television Channels 60-69, the 746-808 MHz Band, *Report and Order*, ET Docket No. 97-157, 12 FCC Rcd 22,953 (1998) (*Allocation R&O*).

⁵ See 47 U.S.C. § 337(b)(1).

⁶ See Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010; Establishment of Rules and Requirements of Priority Access Service, WT Docket No. 96-86, *Second Notice of Proposed Rule Making*, 12 FCC Rcd 17,706, 17,709-10 (1997) (*Second Notice*).

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Eligibility for Newly-Allocated Public Safety Spectrum. Your constituents also ask who will be eligible for the 700 MHz band public safety licenses. Section 337(f)(1) of the Communications Act defines "public safety services" as services:

- (A) the sole or principal purpose of which is to protect the safety of life, health, or property;
- (B) that are provided—
 - (i) by State or local government entities; or
 - (ii) by nongovernmental organizations that are authorized by a governmental entity whose primary mission is the provision of such services; and
- (C) that are not made commercially available to the public by the provider.⁷

In late 1997, the Commission sought public comment on eligibility rules and policies designed to implement the Section 337 definition of public safety services in a *Second Further Notice of Proposed Rule Making* in WT Docket No. 96-86.⁸ For your convenience and information we have enclosed a copy of the *Second Notice* also. We are now analyzing the comments filed in response to the *Second Notice*.

Return of 700 MHz Band Broadcast Analog Channels. Section 337(e)(1) of the Communications Act⁹ provides that broadcast stations may not operate on TV channels 60-69, the 700 MHz band, after the digital television (DTV) service transition period ends, as determined by the Commission. In the *Allocation R&O*, the Commission determined that the DTV transition period will end on December 31, 2006, but may be extended in some markets as required under specific circumstances set forth in the 1997 Budget Act.¹⁰

Funding Sources for Construction of Public Safety Communications Systems. Although the Commission is not authorized to provide funds for telecommunications systems, we recognize that funding is a critical issue for many public safety agencies attempting to implement modern telecommunications technology.¹¹ In this connection, we note that other governmental agencies work more directly with the public safety community in identifying funding sources. For example, a current source for information about funding is the National

⁷ 47 U.S.C. § 337(f)(1).

⁸ See *Second Notice*, *supra*.

⁹ 47 U.S.C. § 337(e)(1).

¹⁰ See 1997 Budget Act, § 3003. See also *Allocation R&O*, *supra*.

¹¹ See *Second Notice*, 12 FCC Rcd at 17717; *Final Report of the Public Safety Wireless Advisory Committee to the Federal Communications Commission*, September 11, 1996, Key Recommendation 2.2.12, page 24.

Telecommunications and Information Administration (NTIA). Mr. William Speights is Program Manager for NTIA's Public Safety Program (telephone: 202-482-1652; e-mail: <wspeights@ntia.doc.gov>; internet site <<http://pswac.ntia.doc.gov>>; street address: NTIA, Room 4800, 1401 Constitution Avenue, N.W., Washington, D.C. 20230. The U.S. Department of Justice also is initiating a review of funding sources and alternatives for public safety agencies, although that effort is only in its early stages.

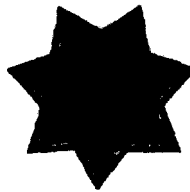
While I cannot prejudge the outcome of WT Docket No. 96-86, I assure you that the Commission will consider the impact of our decisions on the public safety community, and will take into account all views presented before reaching any decisions in this proceeding. Your constituents expressed their views on several issues that are within the scope of WT Docket No. 96-86. Accordingly, we will enter a copy of each letter into the record of this pending proceeding.

Thank you for your interest in this matter.

Sincerely,

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunication Bureau

Enclosures



Office of the Sheriff

Charles County, Maryland

Frederick E. Davis
SHERIFF

December 16, 1997

The Honorable Paul S. Sarbanes
United States Senate
309 Hart Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Sarbanes:

I am seeking your active support to resolve several critical issues regarding the provision of additional radio spectrum to state and local public safety entities.

The budget reconciliation bills passed by both houses of Congress contain provisions mandating the allocation of 24 megahertz of spectrum between 746 MHz and 806 MHz to public safety services

Three primary concerns remain: (1) who is defined as "public safety" for purposes of being eligible for set-aside spectrum licenses to be issued by the FCC on or before March 31, 1998; (2) whether or not final language exists that ensures that at least 24 MHz or more is mandated as a public safety set-aside; and (3) whether or not language mandates a specific date and time for broadcasters to return analog channels within 60-69 to FCC, so that reallocation to public safety can occur.

I support a strict definition on which entities should be considered "public safety". Generally, this should extend to a publicly funded government agency.

It should be clear that no less than 24 megahertz of additional radio spectrum must be allocated for public safety use.

9/30/98

The Honorable Paul S. Sarbanes
December 16, 1997
page 4

A very clear date should be established in the reasonably near future by which all radio spectrum between 746 and 806 megahertz must be returned to the FCC by broadcasters for reallocation to public safety entities.

Furthermore, I ask you to support provisions similar to those contained in Senator McCain's bill, Senate Bill 255 (105th Congress), to provide a funding source for the construction of public safety radio system infrastructure. The sale of radio spectrum returned to the FCC by broadcasters should be used to support public safety wireless communication needs and improve the interoperability of those systems.

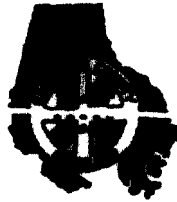
I thank you in advance for your support of this critical public safety issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fred Davis", written in a cursive style.

Frederick E. Davis, Sheriff
Charles County, Maryland

TERRENCE B. SHERIDAN
Chief of Police



Baltimore County Police
Headquarters
700 East Joppa Road
Towson, Maryland 21286-5501

(410) 887-2214
Fax (410) 821-8887

Integrity . . . Fairness . . . Service

October 10, 1997

The Honorable Paul S. Sarbanes
United States Senator
309 Hart Senate Office Building
Washington DC 20510

Dear Senator Sarbanes:

I am seeking your active support to resolve several critical issues regarding the provision of additional radio spectrum to state and local public safety entities.

The current legislation bills passed by both houses of Congress contain provisions mandating the allocation of 24 megahertz of spectrum between 746 MHz and 806 MHz to public safety services.

Three primary concerns remain: ① who is defined as "public safety" for purposes of being eligible for set-aside spectrum licenses to be issued by the FCC on or before March 31, 1998; ② whether or not final language exists that ensures that at least 24 MHz or more is mandated as a public safety set-aside; and ③ whether or not language mandates a specific date and time for broadcasters to return analog channels within 60-69 to the FCC, so that reallocation to public safety can occur.

I support a strict definition on which entities should be considered "public safety". Generally, this should only extend to a publicly funded government agency.

It should be clear that no less than 24 megahertz of additional radio spectrum must be allocated for public safety use.

A very clear date should be established in the near future for return of all radio spectrum between 746 and 806 megahertz to the FCC by broadcasters, for reallocation to public safety entities.

Furthermore, I ask you to support provisions similar to those contained in Senator McCain's bill, Senate Bill 255 (105th Congress), to provide a funding source for the construction of a public safety radio system infrastructure. The sale of radio spectrum returned to the FCC by broadcasters should be used to support public safety wireless communication needs and improve the interoperability of those systems.

I thank you in advance for your support of this critical public safety issue.

Sincerely,

Terrence B. Sheridan
Chief of Police

ELC/tag
Sarbanes.supp.doc

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The BALTIMORE COUNTY VOLUNTEER FIREMEN'S ASSOCIATION

Public Safety Building
700 East Joppa Road
Towson, MD 21286-5500

Mail Stop 1102-F
Towson (410) 887-4852
Fax (410) 887-4852

October 29, 1997

The Honorable Paul Sarbanes
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Sarbanes:

I am seeking your active support to resolve several critical issues regarding the provision of additional radio spectrum to state and local public safety entities.

The budget reconciliation bills passed by both houses of Congress contain provisions mandating the allocation of 24 megahertz of spectrum between 746 MHz and 806 MHz to public safety services.

Three primary concerns remain: (1) who is defined as "public safety" for purposes of being eligible for set-aside spectrum licenses to be issued by the FCC on or before March 31, 1998; (2) whether or not final language exists that ensures that at least 24 MHz or more is mandated as a public safety set-aside; and, (3) whether or not language mandates a specific date and time for broadcasters to return analog channels within 60-69 to FCC, so that reallocation to public safety can occur.

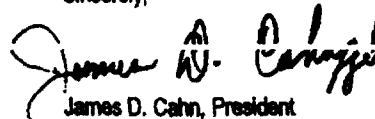
I support a strict definition on which entities should be considered "public safety". Generally, this should extend to law enforcement agencies, career and volunteer fire, rescue and emergency medical service agencies. It should be clear that no less than 24 megahertz of additional radio spectrum must be allocated for public safety use.

A very clear date should be established in the reasonably near future by which all radio spectrum between 746 and 806 megahertz must be returned to the FCC by broadcasters for reallocation to public safety entities.

Furthermore, I ask you to support provisions similar to those contained in Senator McCain's bill, Senate Bill 255 (105th Congress), to provide a funding source for the construction of public safety radio system infrastructure. The sale of radio spectrum returned to the FCC by broadcasters should be used to support public safety wireless communication needs and improve the interoperability of those systems.

I thank you in advance for your support of this critical public safety issue.

Sincerely,



James D. Cahn, President
Baltimore County Volunteer Firemen's Association

279917

City of Takoma Park, Maryland



OFFICE OF CITY ADMINISTRATOR
TELEPHONE (301) 270-1700
FAX (301) 270-8784

December 8, 1997

~~11/13/97 Senator Sarbanes~~

The Honorable Paul Sarbanes
United States Senate
Washington, D.C. 20510

~~Dear Senator Sarbanes:~~ The matter mentioned is a copy of Resolution #1007-67 which was

The City Council was pleased to have the opportunity to speak with Congressman Albert Wynn following the Town Meeting he conducted here at the Takoma Park Municipal Building the evening of Monday, October 27, 1997.

One of the points of interest which was raised by the Council was federal funding for public safety technology. At that time, Congressman Wynn requested information and a statement of the City Council's sentiments on the matter. Enclosed is a copy of Resolution #1007-67 which was adopted by the Takoma Park City Council on November 10, 1997.

The Council believes that the federal government has a role to play in advancing police technology, in particular, radio communications. We have requested Congressman Wynn's support and action to introduce, in the House Commerce Committee, legislation that would make federal funding available for improving public safety technology at the local government level of cities and counties in Maryland.

Your added support of legislation to provide funding for local jurisdictions to upgrade public safety radio communications technology would be appreciated.

Sincerely,

Catherine E. W. Sartoph
Catherine E. W. Sartoph, CMC/AAE
City Clerk *X206*

Enclosure

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